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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,454	04/05/2005	Minoru Hoshino	KA0002	3040

33766 7590 04/18/2007  
CHERYL F. COHEN, LLC  
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EXAMINER

CHAPMAN, GINGER T

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/530,454

Applicant(s)

HOSHINO ET AL.

Examiner

Ginger T. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 January 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaki et al (US 5,858,012) in view of Iwao et al (JP 09-271488).

With respect to claims 1 and 2, Yamaki et al disclose, in Figures 1 and 2, a disposable absorbent article (fig. 1) including an absorbent article body (1) which comprises a liquid-permeable topsheet (36), a liquid-permeable back sheet (37), an absorbent core (38) disposed therebetween, and a cover sheet (19) attached to the outer surface of the liquid impermeable backsheet (37), wherein: the absorbent article body (1) has a rear waist region (7) a crotch region (8), and a front waist region (6), which are integrally arranged in the longitudinal direction of the absorbent article (fig. 2), and the crotch region (8) has leg opening portions (16); a waist opening

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(14); the absorbent article body (1) also has: one or more waist opening (14) elastic members (21) extending circumferentially around waist opening (14), a plurality of rear waist elastic members (23) that are stretchable in the widthwise direction of the article, and a plurality of front waist elastic members (23) that are stretchable in the widthwise direction; the rear waist elastic members (23) form a rear elastic area (27) in rear waist region (7); the front waist elastic members (23) form a front elastic area (26) in the front waist region (6); and the rear elastic area (27) is broader than the front elastic area (26) with respect to the longitudinal direction of the absorbent article body (c. 2, ll. 47-49).

Yamaki et al disclose the invention substantially as claimed but do not expressly disclose the broader rear elastic area providing a greater number of rear waist elastic members than are provided front waist elastic members. Iwao et al express the desire to provide a disposable absorbent garment which fits tightly and well to the hips of a wearing person (abstr.). As seen in Figures 1, 2 and 4, Iwao et al teach a disposable absorbent article with broader elastic area (W1) provided with a greater number of elastic members than less broad elastic area (W2). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the broader elastic area of Yamaki provided with a greater number of elastic members as taught by Iwao et al since Iwao et al state that the advantage of providing an elastic area with this design is that it prevents sagging and imparts excellent appearance to the disposable article.

With respect to claim 3, as seen in Figure 2, Yamaki et al disclose the distance between the waist opening elastic members (21) and the portion of the rear waist elastic members (23) is

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approximately equal to the distance between each rear waist elastic member (23) and its adjacent rear waist elastic member (23).

*Allowable Subject Matter*

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record discloses the following:

Umebayashi ('815) teaches the distance between the waist opening elastic members and the portion of the rear waist elastic members closest to the waist opening elastic members is approximately equal to the distance between the waist opening elastic members and the portion of the front waist elastic members closest to the waist opening elastic members and further teaches the absorbent core is arranged so as to overlap at least a part of the rear elastic area and a part of the front elastic area, but does not teach or suggest the absorbent core is arranged so as to not overlap the front elastic area.

Uchimoto et al ('291) teach the distance between the waist opening elastic members and the portion of the rear waist elastic members closest to the waist opening elastic members is approximately equal to the distance between the waist opening elastic members and the portion of the front waist elastic members closest to the waist opening elastic members and further teaches the absorbent core is arranged so as to not overlap the rear elastic area and to not overlap

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the front elastic area but does not teach or suggest the absorbent core is arranged to overlap at least a part of the front elastic area or to overlap at least a part of the rear elastic area.

Yamaki et al ('012) teach the absorbent core arranged to overlap at least a part of either the front or the rear waist elastic member but does not teach the portion of the front waist elastic members is closest to the leg opening portion than the rear waist elastic members are closest to the leg opening, and does not teach the distance between the portion of the rear waist elastic members closest to the leg opening portions is approximately equal to the distance between the leg opening portions and the portion of the front waist elastic members closest to the leg opening portions.

### *Response to Arguments*

Applicant's arguments, see Remarks pp. 9-11, filed 23 January 2007, with respect to claims 4-6 have been fully considered and are persuasive. The rejection of claims 4-6 has been withdrawn.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman  
Examiner, Art Unit 3761  
04/11/07

A handwritten signature in black ink, appearing to read 'G. Chapman', with a long horizontal line extending to the right.

  
M. Kidwell  
Primary Examiner